

**STATE OF MICHIGAN**  
**COURT OF APPEALS**

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PEOPLE OF THE STATE OF MICHIGAN,

Plaintiff-Appellant,

v

TERRI JOHNSON,

Defendant-Appellee.

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UNPUBLISHED

December 21, 1999

No. 213231

Wayne Circuit Court

Criminal Division

LC No. 98-004718

Before: Wilder, P.J., and Bandstra and Cavanagh, JJ.

PER CURIAM.

The prosecution appeals by right from an order dismissing a charge of carrying a concealed weapon, MCL 750.227; MSA 28.424, which was entered after the trial court granted defendant's motion to suppress evidence on the basis that defendant was arrested without a warrant for the misdemeanor offense of entering a dwelling without permission, MCL 750.115; MSA 28.310. We reverse and remand.

The prosecutor claims that the trial court erred in concluding that the police officers did not have probable cause to arrest defendant. We agree. Probable cause to arrest exists where the fact and circumstances within an officer's knowledge, and of which the officer has reasonably trustworthy information, are sufficient in themselves to warrant a person of reasonable caution to believe that an offense has been or is being committed. *People v Champion*, 452 Mich 92, 115; 549 NW2d 849 (1996). Probable cause "requires only a probability or substantial chance of criminal activity, not an actual showing" of criminal activity. *Illinois v Gates*, 462 US 213, 243 n 13; 103 S Ct 2317; 76 L Ed 2d 527 (1983); *People v Lyon*, 227 Mich App 599, 611; 577 NW2d 124 (1998).

Here, the police dispatcher was in communication with the owner of the subject premises via the telephone. The owner informed the dispatcher that there were people in her house who had no permission to be there. This information was then communicated by the dispatcher to the arresting officers, Rocha and Beckem. The officers arrived at the house and ascertained the identities of those present in the house, including defendant. That information was then transmitted by Officer Rocha to the police dispatcher, who still had the owner on the telephone. When the dispatcher relayed to the

owner the names of those present in the house, the owner again indicated that the people in the house were there without her permission. Additionally, none of the residents produced identification indicating that they had a right to be on the premises. Under these circumstances, the police officers had reasonably trustworthy information to indicate that defendant and her companions were on the premises without the owner's permission. Their own subsequent investigation of the identities of the people in the house likewise revealed nothing to indicate that those persons had the owner's permission to be in the house. In fact, defendant and the others all produced identification that showed that they resided elsewhere. Under these circumstances, the officers had probable cause to arrest defendant for entry without permission. Therefore, the trial court erred when it granted defendant's motion to suppress the evidence and dismissed the case.

We reverse and remand. We do not retain jurisdiction.

/s/ Kurtis T. Wilder

/s/ Richard A. Bandstra

/s/ Mark J. Cavanagh